

STAFFORD COUNTY PLANNING COMMISSION
February 12, 2020

The meeting of the Stafford County Planning Commission of Wednesday, February 12, 2020, was called to order at 6:30 p.m. by Chairman Steven Apicella, in the Board of Supervisors Chambers of the George L. Gordon, Jr., Government Center.

MEMBERS PRESENT: Steven Apicella, Darrell English, Barton Randall, Albert Bain, Kristen Barnes, Dexter Cummings

MEMBERS ABSENT: Fillmore McPherson

STAFF PRESENT: Jeff Harvey, Lauren Lucian, Stacie Stinnette, Michael Zuraf, Joseph Valotta, Natalie Doolittle, LeAnn Ennis, Rebecca Chung - YES Student

DECLARATIONS OF DISQUALIFICATION

Mr. Apicella: Are there any declarations of disqualification on any agenda item? Okay, seeing none, we'll move on. Are there any changes to the agenda? No changes? Okay. Normally we start with public presentations but, before I open the floor for that purpose, I'd like to call up a special guest to the dais. Ms. Vanuch, will you please come forward. Thank you for coming tonight, Ms. Vanuch. I want to start by thanking you for your many years of service to the citizens of Stafford County. Ms. Vanuch, while she was here, strived to make Stafford the best place in the Commonwealth to live, work, and play. We have a Proclamation for you right here. The Commissioners also chipped in to buy you a gift to help you remember.

Ms. Vanuch: Do I have to disclose this now?

Mr. Apicella: It's like ten bucks; you don't have to disclose it. So, regarding Ms. Vanuch, she served on the Planning Commission from January 2016 through December 2019 as Rock Hill's Planning Commissioner until she was elected to serve as a County Supervisor. During her four years on the Stafford Planning Commission, she served two years as our Chairman and one year as Vice Chair, which I think is unprecedented for such a short period of time on the Planning Commission. She was involved in a number of key issues important to her district and the County as a whole. She served on the Planning Commission's Comprehensive Plan Committee. I think that was one of the first things you did while you were here. Baptism by fire, I guess. She served on the Cemetery Ordinance Committee, the Parking Committee, the E-Commerce Committee, and the A-1 Uses Committee. So just a few committees during your time here. Ms. Vanuch, we greatly miss you. We congratulate you on your well-earned and deserved promotion to the Board. And we thank you for all that you've done and all that you continue to do. And I think Mr. English has a gift for you. And if there's anything you'd like to say.

Ms. Vanuch: Thank you. First of all, I miss you all so much. I hope you all run for election and can be on the Board, too. I definitely miss my Planning Commission buddies and Planning staff. I know we get to mainly interface now with Mr. Harvey, but I miss Stacie and I know you guys work very, very hard to get the things up to the Board. And I always knew what we did on the Planning Commission was really, really important. But now I really understand why it's so important. Our recommendations on the Planning Commission mean so much to the Board of Supervisors. We get inundated with paperwork and requests and constituent issues that we rely so heavily on each and every one of your valued inputs. And now being in that position for a little over a month, I can definitely see why our Supervisors rely so much on the Planning Commission. And thank you all for all your service. I know, Steven, you are what, on your third term? Third term, which is a very, very

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long time. And you do great work. And I know that the Commission is in good hands with you as the Chair, and you as the Vice Chair, Commissioner English. And I know Rock Hill is in good hands with Ms. Barnes being here and I... yes, but you're going to do a great job. And I know all the other Commissioners are gonna do a great job representing Stafford County as a whole. So, thank you very much, and I look forward to continuing to serve as the Supervisor.

PUBLIC PRESENTATIONS

Mr. Apicella: Okay, thank you, everybody, for your indulgence. I'd like to open up the Public Presentations portion of this meeting. This is an opportunity for the public to speak on any matter that's not a part of a public hearing tonight. You have up to 3 minutes to speak. When you come to the podium, please state your name and address. The green light means you have 3 minutes. The yellow light means you have 1 minute left. And the red means you need to wrap up your comments. So, if anyone would like to come forward, please do so now. Okay, seeing no one, I'm going to close the public portions... public presentation portion of the meeting and move on to agenda item 1. Mr. Harvey.

PUBLIC HEARINGS

1. CUP19153010; Conditional Use Permit - Hertz Rental Car at North Stafford Plaza - A proposed Conditional Use Permit to allow a motor vehicle rental facility in the B-2, Urban Commercial Zoning District on Tax Map Parcel No. 20-133C (Property). The Property consists of 9.95 acres, located on the south side of Garrisonville Road, and on the east side of Brafferton Boulevard, within the Garrisonville Election District. **(Time Limit: May 22, 2020)**

Mr. Harvey: Thank you, Mr. Chairman. Joe Valotta will be making the presentation for staff.

Mr. Valotta: Good evening, Chairman Apicella and Planning Commissioners. My name is Joe Valotta. I'm here to... I'm with Planning and Zoning. I'm here to present the first item on the agenda, a conditional use permit application for Hertz at North Stafford Plaza. The request is for a conditional use permit to allow a motor vehicle rental facility in the B-2, Urban Commercial Zoning District on Tax Map Parcel Number 20-133C. The property is 9.95 acres and is located in the Garrisonville Election District. Thomas DiBenedetto is the applicant. This image is a location and zoning map. The parcel outlined in blue comprises the site that is subject to the request. The site is located in the North Stafford Plaza Shopping Center at the south side of Garrisonville Road and the east side of Brafferton Boulevard. Surrounding zoning includes B-2 and R-1 to the north, R-1 to the south, B-2 to the east, and B-2 and R-1 to the west. Surrounding uses include an elementary school, banks, restaurants, and commercial retail to the north; single-family dwellings to the south; office buildings to the east; and a shopping center and single-family dwellings to the west. There are no proffers on the property. In December 1988, the site plan was approved for the current development. In October 2006, a conditional use permit was approved to allow a drive-through coffee shop, although there has been no development to reflect such conditional zoning at the site. The property is developed with the North Stafford Plaza Shopping Center with multiple tenants. Three buildings make up the shopping center, located at the northern, southern, and eastern portions of the property. There are two access points into the site off of Garrisonville Road, and two access points off of Brafferton Boulevard. Inter-parcel connections are established to commercial uses located along the northern and eastern property lines. Parking is provided along areas of the buildings that front Garrisonville Road and Brafferton Boulevard, and a service and delivery drive aisle runs along the back of the building at the southern portion of the property. Currently, the site has 465 parking spaces. The required number of parking

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spaces is 391. The site has an excess of 74 parking spaces. The Site Layout Plan utilizes a 2007 survey which illustrates the layout of the site and the location of the requested use. No changes are proposed to the existing building, access, or parking areas. The proposed Hertz vehicle rental will occupy a 1,600 square-foot suite in the building on the south end of the property. The location of the suite is highlighted in yellow on the Site Layout Plan. This image zooms in on the proposed vehicle rental use area. The Site Layout Plan identifies the location of the designated parking area for rental vehicles and for customers. Language has been removed from the conditions that would require that parking for rental vehicles be designated in the exact location shown on the Site Layout Plan. This change is based on input from the property owner that they would like to be able to change the rental vehicle parking area location based on any issues that come up in the shopping center. You received a revised version of the approval Resolution tonight. The Site Layout Plan identifies an area behind the building where general upkeep and vacuuming of the fleet vehicles would be permitted. The application notes that no fueling or vehicle maintenance will occur onsite. In response to a concern that was expressed regarding the proximity of the fleet parking area to restaurants onsite, the fleet parking area was moved one parking row to the west. Staff suggested that the designated fleet parking area be shifted to the north end of the parking lot, but no changes were made in response to this comment.

Mr. Bain: Mr. Valotta? Were they given enough time to respond to that comment?

Mr. Valotta: Yes, they were; it was a few weeks.

Mr. Bain: Okay. I'll ask them why they... inaudible, being talked over.

Mr. Valotta: I would need to defer to the applicant.

Mr. Apicella: And I'm just going to follow up with that. So what was the rationale for asking them to move and how strongly does staff feel about it?

Mr. Valotta: In the original location, it was... the concern was that parking would impact parking for restaurants in the shopping center. Staff believes that parking would be best in the north end of the parking lot.

Mr. Apicella: And can you help us understand what's the rationale behind that?

Mr. Valotta: Yeah. So, if parking is in the north side of the parking lot, that will open up parking spaces for customers who want to visit restaurants and other uses in the shopping center.

Mr. English: Is it... I guess the reason is because of the north side of that parking lot is probably not as used as much as going up.

Mr. Valotta: Yeah, it's not used as much...

Mr. English: It's going up there close to where the Mission Barbeque and up in that area?

Mr. Valotta: Yeah. Yeah, closer to Garrisonville Road.

Mr. English: I gotcha. I understand. That makes sense.

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Mr. Apicella: Okay, thank you.

Mr. Valotta: This image is a panoramic view of the site. It identifies the proposed location of the Hertz vehicle rental and the designated parking area for rental vehicles and for customers.

Mr. Apicella: Mr. Randall?

Mr. Randall: Could you show us on here where the original parking?

Mr. Valotta: Mm-hmm.

Mr. Randall: And then where you wanted to move... where you wanted them to move it north.

Mr. Valotta: Yeah, the original parking was right here; it's the same design as what's proposed right now, just one row over. And staff suggested moving parking to the north end of the lot over in here to free up space for other uses in the shopping center.

Mr. Randall: Okay, so as far as you're concerned, they're moving it over one row wasn't sufficient as far as the parking was concerned?

Mr. Valotta: No, because we weren't aware originally how many restaurants were in the shopping center. We thought that this might be the only restaurant. And then when I conducted a site visit, I noticed there were two other restaurants in the shopping center that could potentially... inaudible, being talked over.

Mr. Randall: No, when I first heard this and now found... thought that it was gonna be on that that first row, that would have been very... Yeah, there's a Kobe's restaurant right there to the left. And were there more than I want to admit, but that whole... sometimes that entire area is completely full and it would have impacted that parking significantly without moving it over. I think moving it over mitigates that... a fair amount. So anyway, I'm glad they were able to move it over. Thank you.

Ms. Barnes: Can I ask a quick question about you said earlier something about they're not going to be required to park only in the designated spots. So how does that affect or impact this layout design here?

Mr. Valotta: One of the conditions... well, I should say that the condition that... the condition concerning the parking of fleet vehicles originally stated that all rental vehicles would be parked in the exact location shown on the Site Layout Plan. That language has been taken out of the condition. This way, the property owner will have flexibility to move the designated parking into different areas of the parking lot in case any issues arise, such as a new tenant that could be impacted by the fleet parking in the proposed location.

Ms. Barnes: So, does that mean that they can basically park anywhere?

Mr. Valotta: They could be... the parking spaces for the rental vehicles need to be designated per the condition with either signage or painting, and they would be prohibited from parking rental vehicles in any spaces that aren't labeled for rental vehicle parking.

Ms. Barnes: Got it, thank you.

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Mr. Apicella: I just want to kind of close the loop on the issue of parking unless others have questions about it. So, this commercial center is obviously owned or managed by somebody. Do they have any issues or concerns with regard to the parking arrangement is currently proposed?

Mr. Valotta: They don't have any issues or concerns as it's currently proposed. And if they find... and they've noted that if they find there are any issues, they will ask that the spaces be relocated.

Mr. Harvey: And Mr. Chairman? Mr. Chairman?

Mr. Apicella: Yes, Mr. Harvey.

Mr. Harvey: The point that Mr. Valotta made was what staff had a discussion after the staff report was published, was that if the manager of the shopping center was going to require the spaces to be moved somewhere else, that would put the applicant in a situation where they have to come back for an amendment to the conditional use permit. And it seems that for 15 parking spaces, it might be excessive to go back through that process. So, that's why staff modified the condition to take out specifically identifying the location based on the Site Plan Layout and which allows the shopping center management company to have the flexibility to locate those spaces where it feels is best for the operation shopping center.

Mr. Apicella: Okay, thank you.

Mr. Bain: Would it then be at least to the benefit of the rental company to say that they must be contiguous spaces rather than scattered around the parking lot? I want to protect the restaurants and other users, but I also want to protect the Hertz rental car people. I could... I could envision maybe splitting it into two segments on opposite sides of an aisle, but I don't think you'd want the parking spaces scattered.

Mr. Apicella: We'd probably have to ask this question of our counsel, but I don't think we could...

Mr. Bain: Maybe not.

Mr. Apicella: ... I don't think we have the ability to tell the owner that they would have to make the parking spaces contiguous. It would either have to be in CUP...

Mr. Bain: Well, we were.

Mr. Apicella: No, we're doing something with respect to the applicant and their CUP. So, if they're not in compliance with the CUP, then they could either lose their CUP or they'd have to come back. But a scenario that Mr. Harvey mentioned, I don't think we could tell the owner or the manager of the facility, this is how you have to allow the spaces to be allocated for the benefit of the applicant. I'm not sure if I'm being clear, but we can certainly do something with respect to the applicant. I don't think we could do something with respect to the owner of the property. The owner of the property is not the applicant, right?

Mr. Valotta: Correct.

Mr. Bain: Ah, I didn't realize that, sorry.

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Mr. Randall: So, Mr. Harvey, do we... have we gotten some indications from the owner of the property that that could potentially happen? Is that a normal...? I don't know. I haven't asked Avis on the other side what they've done over there. But do we think that that's going to happen? You know, if we... because without that, we really have no protection for any of the parking spots. You know, and he could very well say, I don't like Hertz and so I'm going to move them all the way over to the very, very far, farthest corners of the parking lot without really giving any indication of, no, the County has decided that this is a good spot for them right here. And if there's reasons why, then maybe some formal effort needs to be made to change that. You know, I want to... I want to be able to make sure both sides of this bread are buttered, but I don't know exactly how to do that and still protect the parking for all the rest of the other.

Mr. Cummings: Can I make a suggestion?

Mr. Apicella: Mr. Cummings?

Mr. Cummings: Are we limited in the number of options or conditional spaces that they can use? For example, site one where you've designated, all right, or we end up designating B, Option 1, preferred, locked in, until there's... that becomes unviable, right. And then we can have Option 2, a designated area. Does that sound like a viable option?

Mr. Valotta: Currently, the conditions limit the maximum number of rental vehicle parking to 15 parking spaces.

Mr. Cummings: Yeah, so we could still leave that limitation, but designate the areas where that 15 could be allocated. And so we would barely control....

Mr. Apicella: I think what we could do... I hear you're saying... we could say that they couldn't be within X number of feet to the restaurants or something to that effect. But we... I don't... we can't have choose option 1, choose option 2 or choose option 3.

Mr. Cummings: Not a choose, but we have option 1 that we know that we're approving, right. And that would be the primary option. And then in the event that it becomes untenable or unreasonable to do that because of whatever, you know, reasonable commercial activity, then we need to... the other option available to you will be in this other designated area. Is that viable?

Mr. Apicella: I think that's more of a legal question. I've never seen a conditional condition, which is kind of what you're articulat... I mean, it's innovative. I've never seen it. So, I'm not sure if it's permissible.

Ms. Lucian: Mr. Chairman, I would say that that would be difficult to enforce, because if you have a condition that depends on whether something's viable, then you have to interpret what viable means. So, I think sticking with something that's clear is preferable.

Mr. Apicella: So, to Mr. Harvey and to Joe, you see the dilemma that we're facing right here. We want to, on the one hand, understand and appreciate that the applicant needs to have spaces and presumably on the site somewhere close to where they're having the function that they're trying to pursue. And we also don't want it to be too close to the restaurants. But we also don't want the management company to jeopardize the rental company's business by arbitrarily moving spaces

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around. So, I don't how to get there, but you can appreciate kind of the duality of a problem that we're having here.

Mr. Valotta: Yes, Mr. Chairman, I can, yes.

Mr. Apicella: Anyhow, I'm gonna let you keep moving forward and we can all think about it and see if we can come up with a solution.

Mr. Valotta: Okay.

Ms. Lucian: Mr. Chairman, if I may. I think...

Mr. Apicella: Yes, please.

Ms. Lucian: ... one other option is just to have several designated areas where parking is allowed. I think that may be what he was getting at. So it doesn't depend on whether something's viable. It could be located on the east or the west if you wanted to designate two different sections, that would be possible.

Mr. Apicella: Okay, thank you. Please proceed, Joe.

Mr. Valotta: This image also identifies the location of several uses, which could potentially be impacted by the location of the rental vehicle parking area, including three restaurants and a dance studio. Several conditions are proposed which are intended to limit any potential impacts. Conditions would require that fleet parking is designated with signage or painting, and prohibit the parking of fleet vehicles in any parking spaces not designated specifically for fleet parking. A maximum of 15 parking spaces for fleet parking of rental vehicles would be permitted. Conditions would define the degree of maintenance permitted onsite as general upkeep to include, but not be limited to, changing the windshield wipers, adding air to the tires, changing the light bulbs, cleaning windows, or vacuuming auto interior. No mechanical maintenance would be permitted onsite. Conditions would require that all parking and fire lanes for North Stafford Plaza be restriped prior to issuance of any occupancy permit. Conditions would require that vehicle travelways be kept clear for emergency vehicle access, and double parking would not be permitted. The Comprehensive Plan designates the property within a recommended commercial corridor and Suburban land use designations. The Plan notes that commercial corridors are intended to encourage commercial activities where there are adequate transportation facilities to accommodate proposed uses. The Comprehensive Plan recommends infill development along commercial corridors. Staff finds that the site is consistent with the location recommendation in the Comprehensive Plan. Staff has found the proposal to have positive and negative features. Positively, staff finds that the proposal is consistent with the land use recommendations in the Comprehensive Plan for development in a commercial corridor. The proposal is consistent with the established development patterns along Garrisonville Road. Conditions will help minimize potential impacts on adjacent properties and adjacent uses. The project will advance a restriping of parking and fire lanes, enhancing the safety and overall appearance of the entire shopping center. Negatively, there could be potential impacts to adjacent uses during peak trip hours if the area designated for fleet parking is not moved northward. The conditions have been modified to allow the property owner to manage the location of the parking area for rental vehicles. This should mitigate any negative impacts. Staff believes the positive features of this proposal outweigh the negative features. Staff recommends approval of this application with conditions pursuant to Resolution R20-57. And that concludes my presentation. Thank you.

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Mr. Apicella: Thank you. Any further questions for staff?

Ms. Barnes: I do have one about notification. I noticed in part of it, it said that you have that other landowners or other properties were notified. Did they notify every single business in that parking lot from the Jamaican business to Power Kicks to Burger King to Kobe? Did every one of those guys get a notice that there's possibly a Hertz going in there in order to mitigate possibly concerns beforehand?

Mr. Valotta: They were not notified with adjacent property owners. Whether or not the property owner notified them themselves, I would need to defer to the applicant or property owner.

Ms. Barnes: So, is that a... *inaudible, microphone not on.*

Mr. Valotta: I'm sorry.

Ms. Barnes: Was that a yes or a no?

Mr. Valotta: I don't know whether the other tenants in North Stafford Plaza...

Ms. Barnes: So, there's a possibility that a couple of those places aren't aware.

Mr. Valotta: It's possible, yes.

Ms. Barnes: Okay. I don't know what you're legally required or what the applicant is legally required to do to notify, but it seems like every single tenant in that building and in that area should at least be given a heads up in case there's, you know, any concerns or issues so that those could be handled beforehand.

Mr. Apicella: So, I've got a couple of questions. Do we have a definition for mechanical maintenance?

Mr. Valotta: I don't believe the Zoning Ordinance defines mechanical maintenance.

Mr. Apicella: So, we've said what they can do and it says including, but not limited to. But, you know, one's interpretation of what is say, I don't want to call it routine maintenance, it says maintenance. I think there could be a problem in not being more specific about what mechanical maintenance means or doesn't mean. I think that certainly it doesn't mean mechanical maintenance would... you wouldn't want them to do auto repair, for example, on a vehicle that may be inoperable on the site, right. The other thing that I noticed was, again, I don't know how easy it would be to do, but there's no... we don't want them to be fueling their vehicles on site, right.

Mr. Valotta: Right. They do note in their application that there will be no fueling the vehicles onsite, but there isn't a condition...

Mr. Apicella: Right. So, if it's not in a condition, even though they've said something in their application...

Mr. Valotta: Right.

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Mr. Apicella: ... and there's some difference of interpretation, at the end of the day, they might still be able to do it, right, in the absence of a condition. So, I think those are probably something we need to deal with. I think Mr. Randall may have some further questions for the applicant, but I just wanted to bring those points up because we might have to deal with the conditions. Okay, one last time; no further questions? Thank you very much. Would the applicant like to come forward?

Mr. DiBenedetto: Yes, thank you. Good evening Mr. Chairman, members of the Planning Commission. My name is Thomas DiBenedetto with TPD Architects. I'm the applicant for Hertz Rent-a-Car. I'm also joined with Mr. Jim Williams, who is the project area regional manager for Hertz, and Shea Walker, who will be the local manager for the Hertz facility. To address the issue with the parking, the parking was something we were asked to show. And in negotiations with Planning, we shifted it, which we have absolutely no issue with it. We completely understand moving it to the north; do not have a problem with that as well. Some of the discussions of breaking the parking up I think is fine. I would need to confer with my colleagues from Hertz regarding how that might make sense operationally as far as maybe it's over two or three parking stalls at the top end. But I also did a site visit this afternoon and recognize that there is a lot of volume at the lower end with the restaurants around dinnertime. Again, we have no issue with reallocating the parking in any way you think it makes sense. Our objective was simply to show it and to identify it because that was something that we were asked to do. So, how we work that out, we're perfectly flexible in that. If there's anything else, any other questions I can answer, I'd be happy to. And again, we also have our representatives from Hertz who can answer specific operational questions you may have.

Mr. Apicella: Mr. Randall?

Mr. Randall: Yeah, I have a couple of questions.

Mr. DiBenedetto: Yes sir.

Mr. Randall: Going back to this maintenance. What is the intent? I mean, I know we can put the language in here. I know that it says no mechanical maintenance will be allowed onsite.

Mr. DiBenedetto: Correct.

Mr. Randall: And here are the things that we ... type of things. Is it type of things or is it only things?

Mr. DiBenedetto: Well, the intention is to simply be able to vacuum the cars out and get them presentable and ready for rental. There's no washing of cars. There's no there's no maintenance in that, no mechanical maintenance, no brakes, no oil changes, nothing of that nature. I believe the changing of windshield wipers was something that was discussed. Again, if I... if I can ask Mr. Williams to join us, he can he can speak specifically to that.

Mr. Randall: Sure, sure.

Mr. Williams: Good evening Mr. Chairman and members of the Board. But, yes, by all means, to help clarify...

Mr. Apicella: If you could just identify yourself.

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Mr. Williams: Yeah, sorry. My name is Jim Williams with the Hertz Corporation. I'm a Regional Project Manager with... representing our facilities and real estate department. So, to clarify, when it comes to maintenance, again, we... I think what can help clear all this up is we have third party vendors that we do take our vehicles to for maintenance when it comes to oil changes, tire rotation, brakes, and so forth. We also have a distribution center located in Alexandria, Virginia, where those cars can be easily transported to if they are deemed mechanically unfit. But when it comes to servicing vehicles onsite, none of that would take place. As well, as Tom pointed out, initially the vehicles will be made readily for potential customers when it comes to vacuuming and/or cleaning of the vehicles. So, no washing, no physical water would ever touch the vehicle. Again, we have other third party vendors that we take the vehicles to for detailing. So again, just as far as the vehicles being onsite, it's more so just getting the vehicles clean and ready to go for the next potential renter.

Mr. Randall: We hope all those third party vendors are in Garrisonville, Stafford.

Mr. Williams: Yes, correct, yes. We do have... *inaudible, being talked over.*

Mr. Randall: Okay. We won't make a list of them but we would hope that they would stay close.

Mr. DiBenedetto: Right. I mean, again, for the proximity and help for a quick turnaround, yes, we will be utilizing local vendors.

Mr. Randall: Of course. Alright. Okay.

Mr. Bain: Could I ask, would it... would you object to us saying that only those items listed would be a condition of the permit? Instead of saying but not limited to two...

Mr. Randall: Do you have the conditions in front of you? Do you have the conditions in front of you?

Mr. DiBenedetto: I do, yes.

Mr. Randall: Okay. Because right now we're looking at...

Mr. Apicella: It's number 4 on the revised resolution.

Mr. Randall: It's number 4, right. Changing the windshield wipers, air to the tires, changing lightbulbs, cleaning windows, vacuuming auto interior. Would you be okay if we specified that that is all that would be allowed?

Mr. DiBenedetto: I don't believe we would.

Mr. Williams: Right. Exactly.

Mr. Randall: Make sure you're looking at it, because this is where we want to make the changes.

Mr. Williams: Windshield wipers, adding air to tires, changing light bulbs, cleaning windows, vacuuming auto interior. That's it. No maintenance...

Mr. Randall: Right, but we would change the language a little bit that says not limited to, but this is all, this is, this is it.

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Mr. DiBenedetto: Yes, we're in agreement.

Mr. Randall: Okay, alright.

Mr. DiBenedetto: And on that point, by the way, we have no issue with any of the conditions. We're in complete agreement with all of them. I know there's... there's some ambiguity in the parking, which we're perfectly willing to work out.

Mr. Randall: Yeah, we're going to talk about that in just a second.

Mr. DiBenedetto: Okay.

Mr. Bain: There was one other item I would like to recommend maybe.

Mr. Apicella: Go ahead, Mr. Bain.

Mr. Bain: No exterior storage of those maintenance materials. Everything's got to be... excuse me... stored inside the shop...

Mr. DiBenedetto: Correct.

Mr. Bain: ... including equipment. So we wouldn't want you leaving a portable vacuum out there. My concern is, that back part of the building is where the restaurants... I'm so sorry... get food deliveries. And we don't want to end up with trash and such, even if it's in a container. I think it would be best if it was kept inside. Thank you.

Mr. DiBenedetto: Agreed.

Mr. Apicella: Mr. English?

Mr. English: I'm going to ask for Ms. Barnes, was all the merchant... were all the merchants notified about this individual, that you guys were going to take up this many parking spaces?

Mr. DiBenedetto: So, we notified all the neighbors...

Mr. English: You did?

Mr. DiBenedetto: ... as per the condition of the CUP.

Mr. English: Okay.

Mr. DiBenedetto: We also notified the owner. And we weren't told to notify each individual tenant. I guess the assumption is...

Mr. English: You were not told not to do that?

Mr. DiBenedetto: No, we were not. But we did all the... all the neighbors in the area.

Ms. Barnes: What do you mean by neighbors?

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Mr. DiBenedetto: Well, so the property owners, excuse me. So, all the property owners that are around the... *inaudible, being talked over.*

Ms. Barnes: Not the businesses. So you didn't go to Taste of Jamaica or Power Kicks or...

Mr. DiBenedetto: We did not.

Ms. Barnes: ... the dance studio and say and here's...

Mr. DiBenedetto: We were under the impression that that wasn't required. Notifying the owner was required, which they were copied on all my correspondence throughout the process. I thought someone from the owner was going to be here this evening, but I don't believe they're here. Sorry.

Mr. Valotta: If I could clarify the issue concerning adjacent uses and adjacent properties, we require that applicants notify adjacent properties. Any adjacent uses within North Stafford Plaza are part of the same property. So, technically they're not adjacent properties. So, we just require notification to adjacent properties, not adjacent...

Ms. Barnes: So, there's a good possibility that... that this may be a surprise to some of the restaurant owners. And any of their concerns may not have been heard or mitigated or addressed at this point directly from those business owners; not the property owners, but the business owners.

Mr. Apicella: The only thing I would say, though, think about it in the context. This is a facility that has several different commercial enterprises. When the Jamaican restaurant came in, I'm sure they didn't ask the adjoining activity, hey, can we put it in a restaurant? That's sort of within the control of the management company and/or the owner. So, all that all that being said, I appreciate what you're saying. We do... I mean, the rules about how folks get notified, that's part of our own internal requirements and it's spelled out in county ordinances. I mean, that's something we've talked about before. We may want to revisit notification issues, but they complied with the requirement.

Ms. Barnes: Okay. Well, the reason why I was asking is because it's conditional use. I thought that it... because it's not necessarily, I guess, the usual because it would require a specific use for it that it might... at some point it might be a good idea for people around them to know exactly what's going on there. But...

Mr. Apicella: I hear what you're saying. Did you have something else to say, Mr. English? I do think that Mr. Randall has a recommendation that I think would largely ameliorate the concerns that neighbors might have with respect to parking so. And you've already said that you don't have a problem moving the parking spaces to the north, so that may be a mutually beneficial solution.

Mr. Randall: So, well, here's my only concern. We have Avis located just down the road. We have Enterprise just down the road on the other side of the street. And both of those have right next to the store parking. And so although I appreciate, you know, we're gonna move you all the way over to Mission Barbecue, that's really not beneficial, I think, to what you're trying to do. I understand where you wanted to go in the first section. I know that's not going to work. I'm going to try to put something in the... put something maybe in the middle if you're okay with... maybe... maybe staff, if we moved, if we move the parking six or seven rows deep so that we would have some availability to the restaurant owners, the restaurant customers to be parking as close as they need to be.

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Mr. DiBenedetto: Sure.

Mr. Randall: But if we moved it... I'm okay with the second row... but if we moved it, maybe to more to the middle of the parking area?

Mr. DiBenedetto: I think that's totally fine. We're not having any... *inaudible*.

Mr. Randall: I mean, I don't want you to have to walk, you know, 200 yards that way to get a car. And neither do your customers have to do that when just down the road neither of them have to apply that same restriction. So, if ... let's do it this way. So, I think if we leave it in that second row, one, two, three, four, five, and we start maybe the sixth, the sixth section and we move it fifteen rows from there. Would that be amicable?

Mr. Apicella: Is there a way we could pull up the...?

Mr. Randall: Yes. And then... yes. Staff, could you pull that up for us so we can document exactly what that is?

Mr. Valotta: Could you repeat the location?

Mr. Randall: Yeah, pull that up just a little bit so we can see it a little better, can you?

Mr. Apicella: I think that the aerial is probably the best.

Mr. English: The aerial is probably the best.

Mr. Randall: There you go. That one's fine

Mr. Apicella: There you go.

Mr. Randall: Alright. Alright. One, two, three, four, five. In fact, do you see where the customer parking is?

Mr. Valotta: Mm-hmm.

Mr. Randall: You start the customer parking there and move them six and then you start the fleet parking there and move it 15. You leave those first six parking spots on both sides open, okay. So, we're not going to move you all the way to the north. We're going to move you more to the middle. We'll give those 12 spots open for any restaurants or anything that is right there. But it still gives you some... something close to where you are.

Mr. DiBenedetto: Sure.

Mr. Randall: Yep, there you go. There's six right there for the customers. And then I'll let you count to fifteen. Somewhere over there to fifteen. How does that sound?

Mr. DiBenedetto: That's fine with us. No objection.

Mr. Randall: Is that is that fine over there for the manager? Does that work?

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Inaudible from audience: Yeah.

Mr. Apicella: Okay, so I'm just trying to understand, because I see two blue sections. So is the red section... so, we've got the blue section that covers all those proposed rental vehicle spaces. The six spaces on that same parking area, that would be the customer parking. What's to the left of that, on my left, that would just be open spaces? That whole row. Is that what you're suggesting?

Mr. Randall: Yes.

Mr. Apicella: Okay.

Mr. Randall: Where the... can you get rid of the green? Can you get rid of the red? You draw a real nice. Let's see if you scribble out real well. Nope. It's supposed to work.

Mr. Apicella: Technology.

Mr. Randall: It's supposed to work. There, there's that. That's right. That's right, you can take it all off.

Mr. Valotta: That red is on the image itself. I can't erase that.

Mr. Apicella: Right. But just so we're on the same page, that whole... that whole row is either customer spaces or fleet parking spaces...

Mr. Valotta: Right.

Mr. Apicella: ... right. That's what you're proposing?

Mr. Randall: No.

Mr. Apicella: No?

Mr. Randall: No. Just the blue. That red would be open... that red would be open for customers of the restaurant, the dance studio, whatever restaurant needed to be done. That's right. That would be open. And the fleet parking and the customer parking; here's what I'm gonna tell you. Your customers are going to park anywhere there's an open spot, okay. So, they're gonna park close. They're not going to go 6... 6 in. So, really, we're only limiting where you're fleet parking is going to be, where you're going to put the signs, where you're going to put paint, whatever you're going to do, starting from 6 rows in, 16 rows up.

Mr. DiBenedetto: Yes, okay.

Mr. Randall: Fifteen spots up.

Mr. DiBenedetto: Sure.

Mr. Randall: Okay?

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Mr. Williams: And also to help clarify that, too, when it comes to park and I know they were highlighting on here and to make sure everybody's aware of where the potential parking would be. But we do have corporate mandated policy in place to where utilization for us is key. So, the more cars we have on rent, the better for us. At any particular time, yes, we say 15 parking spaces. But in all honesty, it may be maybe two cars or three cars on the lot.

Mr. Randall: I totally agree. I just want to make sure that there's some flexibility for those who are patronizing the businesses that are there, but also not move you all the way to the outer 40 where you have to walk too far. So and I think this kind of mitigates both of those.

Mr. Williams: Okay, sure. Right.

Mr. Apicella: So, just so again, we're all on the same page, you're good with the alignment of spaces that's as proposed as we see it on the visual here.

Mr. Williams: No objections.

Mr. Apicella: So, how would we... this is on a site plan. How do we amend the site plan here now?

Mr. Randall: He's got a pen right there.

Mr. Valotta: Could you repeat the question, please?

Mr. Apicella: Right. So, we have a site plan in front of us, right. And so we had verbiage in the... in the original version now change that talked about a maximum of 15 spaces for fleet parking or rental vehicles. So, we're actually redoing the site plan here and now. So, we would need to somehow have some kind of document that memorializes Mr. Randall's recommendation here. So I'm just trying to see how do we get there.

Mr. Harvey: So, Mr. Chairman?

Mr. Apicella: I see... I see Mike Zuraf furiously drawing.

Mr. Randall: Are you using... you got a Sharpie over there?

Mr. Harvey: Mr. Chairman? Staff would recommend that we modify the diagram and reference the new date. The current condition says as designated in the location shown on the Site Layout Plan dated December 3, 2019. That could be modified to say as designated in the location shown on the Site Layout Plan dated December 3, 2019, and revised February 12, 2020.

Mr. DiBenedetto: Great. And we can obviously submit that, you know, as a condition. We can submit it electronically tomorrow; I can sign, you know, sign that plan tonight if need be. I have a copy as well so.

Mr. Apicella: Does that work?

Mr. Harvey: Yes.

Mr. Randall: No, no, that sounds fine.

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Mr. English: What was your hours of operation? Did you...

Mr. Williams: Well, and that's all to kind of help clarify, too. A lot of the restaurant business mostly takes place in the evening. Our operations close when those peak hours with the restaurant are. But typically, Monday through Friday, 7:30 in the morning to 6:00 in the evening.

Mr. English: Okay.

Mr. Williams: And then weekends are like 9:00 a.m. to 12:00 noon and closed on Sundays typically.

Mr. Apicella: So...so, that was specified in Attachment 1, page 1 of 7. I'm gonna steal Mr. Randall's thunder here. You've already... I'm not using the right word here, but you've already sort of proffered the hours of operation. So, are you amenable to a condition that basically institutionalizes the hours of operation from that Attachment? It says hours of operation will be Monday through Friday, 8:00 a.m. to 6:00 p.m., Saturday, 9:00 a.m. to 1:00 p.m., Sunday closed.

Mr. Williams: Correct.

Mr. Apicella: Okay, so we could... we can add a condition to that effect. And you'd be okay with that?

Mr. Bain: Could I ask how do your clients access the vehicles? They come in, they rent a car. Do you... does one of your staff go out, get the car from the slot, and bring it to the front of the store?

Mr. Williams: Typically, I mean, if it's parked, you know, again within a designated parking area, we will walk the customer out because we do require that we do a walk around with the customer, note anything as far as damage and so forth.

Mr. Bain: Okay. Do you have any requirements for handicapped parking then?

Mr. Williams: Not necessarily. As far as, you know, within the shopping center itself. I mean, if there are adequate ADA requirements when it comes to parking, we utilize that. I mean, but as far as Hertz parking and handicapped, no; if that's what you're asking.

Mr. Bain: I'm thinking if the handicapped driver comes, will there be a space for them because of the requirement that they need more room to get in and out of the vehicle, would you be able to accommodate that?

Mr. Williams: Well, I mean, typically... I mean, if they're coming to our store as a handicapped person or individual, of course they will utilize whatever handicapped parking is available. While they're getting the vehicle, as good customer service, yes, we would try to accommodate as much as we can as providing the vehicle that vehicle as close...

Mr. Bain: Okay, you would move the vehicle forward. Okay.

Mr. Williams: But as far as any designated spaces for them, no.

Ms. Barnes: Can I just say that I spent about maybe 10 to 12 years of my life sitting in that parking lot right outside of Power Kicks. Wonderful years. And it's a really big parking lot and I've never seen it

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completely full. So, I think that there's a lot of flexibility for something like that. It's one of those... it's one of those situations where there's ample parking there.

Mr. Apicella: Okay, Mr. Zuraf?

Mr. Zuraf: Yes. Mike Zuraf, Planning and Zoning Department. So, I grabbed the layout plan and I patched in the modified 15 fleet parking spaces as was kind of reviewed on the screen. And I guess for clarification, was it the intent to really need to mark in customer parking? It sounded like there was flexibility for people to really park wherever.

Mr. Randall: Yeah, I'm not sure why we designated customer parking other than maybe staff recommended it initially. I don't necessarily... you're not going to mark it off as customer parking, right? Was that... you didn't intend to do that, did you?

Mr. Williams: No.

Mr. Randall: No. So, I think given the flexibility of what we've just done and move them a little, I personally don't see a need to identify customer parking on the site plan at all.

Mr. Williams: Okay.

Mr. Randall: That there should be some... plenty of spots to the point just made... plenty of spots for somebody to park in the process of either getting returning, getting picked up, whatever in that parking lot.

Mr. Williams: Okay.

Mr. Apicella: And there's no condition in here about customer parking.

Mr. Harvey: Mr. Chairman?

Mr. Apicella: Mr. Harvey.

Mr. Harvey: And Commissioner Randall, to clarify on condition 4, there was a request to limit the activities. So staff would recommend that condition 4 be modified as follows: Maintenance is permitted and defined as the general upkeep of the fleet vehicles, and is limited to changing windshield wipers, adding air to the tires, changing light bulbs, cleaning windows, or vacuuming auto exterior. No mechanical maintenance will be allowed onsite. All maintenance activity should be located behind the building in the location shown on the Site Layout Plan dated December 3, 2019. No exterior storage of maintenance materials shall be permitted. I believe that covers...

Mr. Bain: Maintenance materials or equipment, if you would.

Mr. Apicella: One more time on that last part, Mr. Harvey?

Mr. Harvey: No exterior storage of maintenance materials or equipment shall be permitted.

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Mr. Williams: And if I could just clarify. If we're able to use a shop vac to vacuum out a vehicle and then, of course, store it out back at the end of the day or when it is no longer in use, that is permissible. Correct?

Mr. Randall: Right.

Mr. Williams: It's not necessarily storing, but.

Mr. Randall: Yeah, it's not an issue of what you're using, it's a matter of what you're using goes back in the store after you're done. After the end of the day, for example. I'm not sure you need to take it in and out every time you... if you're gonna have cars out the. But at 6 o'clock, when you're closed for the evening, those would all go back inside.

Mr. Bain: Yeah, if you don't bring it in at 6 o'clock, it's not going to be there the next morning.

Mr. Apicella: I'm sorry, Mr. Harvey, I'm a very slow writer. So, no exterior storage of maintenance materials and I lost it from there.

Mr. Harvey: Or equipment shall be permitted.

Mr. Bain: And I think you misread the earlier part. You said vacuuming of car exterior. I want to clarify that it's car... auto interior.

Mr. Harvey: Yes, thank you.

Mr. Apicella: Do we need to... so, the site layout has changed, the date is changed. Does it matter? Do we need to be consistent or is it okay to just leave it as dated December 3, 2019?

Mr. Harvey: Well, to be consistent, we should probably revise as well.

Mr. Apicella: Okay.

Mr. Harvey: As revised at today's date.

Mr. Apicella: And not to be overly... *inaudible*... here, I think when we say no mechanical maintenance, I think we should also say or auto repair, just to be clear. You have a problem with that?

Mr. Williams: No.

Mr. Apicella: And where it says all maintenance activities, I would just say all allowable maintenance activities? Okay, we'll re-say this when we get to the point where we're getting ready to approve this, but I think you're okay with the changes that we've made.

Mr. Williams: Yes.

Mr. Apicella: Any other questions for the applicant? Okay, thank you. Appreciate you working with us on this. Okay, I'll now open the public hearing on this matter. This is an opportunity for the public to comment on this specific items. Same ground rules as before. Before starting your comments, please state your name and address. The green light starts the clock. Yellow means you have one

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minute remaining. Red means you need to wrap up your comments. And if anyone is interested, please come forward. Okay, seeing no one, I'll close the public hearing on this item and move it back to the Commission for further discussion and decision. Mr. Randall, this is your district. We did make some changes; we probably need to go back through those.

Mr. Randall: It is. Alright, then...

Ms. Lucian: Mr. Chairman, if I may interrupt. I just wanted to point out that the proposed resolution was new this evening with that condition that was changed on the parking spaces. So, you'll need to vote on the material since it was new.

Mr. Apicella: Okay. We need to vote on the new...

Ms. Lucian: On the resolution that was at the dais this evening, because it was presented to the Commission for the first time tonight.

Mr. Apicella: So we can't... we can't amend that?

Ms. Lucian: You can. You just need to make a vote that you're going to consider it as proposed and then you can make amendments after that. Does that make sense?

Mr. Apicella: I thought we made changes and then voted on it as changed?

Ms. Lucian: You can. It's just that the by-laws require that any new material, in order to consider it, you have to vote on considering the new material. The new material is that proposed resolution that was changed with a red line that's at the dais. So, you're just making a vote to consider that. And then after that, you can make a vote to do all the changes.

Mr. Apicella: Okay. So, you got me in the sense that this is a conditional use permit and we're the ones who make the conditions, right?

Ms. Lucian: Right.

Mr. Apicella: So, I see where we do that on a rezoning where it's proffers and it's new information from the applicant.

Ms. Lucian: Right.

Mr. Apicella: But this is... this is our resolution and our conditions. So, I'm a little lost on the fact that we'd have to accept the resolution as presented and then vote to change the resolution.

Ms. Lucian: Yeah, you just need to accept the changes that were proposed by staff. It's still the same principle.

Mr. Apicella: Okay. You got that, Mr. Randall?

Ms. Lucian: So, all you're doing is making a motion to consider the proposed resolution that was provided that the dais and make a vote on that. And after that, you can make any changes.

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Mr. Randall: So, I'm going to make a motion then that we accept the resolution as it was written and presented to us...

Mr. Apicella: And that's Resolution R20-57?

Mr. Randall: I'm sorry, that is correct. Let me read that. It's Resolution R20-57, motion to accept as given to us. Motion to accept the resolution.

Mr. English: I'll second.

Mr. Apicella: Okay, there's a motion from Mr. Randall, seconded by Mr. English. Any further comment, Mr. Randall?

Mr. Randall: No.

Mr. Apicella: Mr. English?

Mr. English: No sir.

Mr. Apicella: Anyone else? Okay, all those in favor, vote... okay, I'm sorry... just vote. Okay, motion carries 5, 1 voting no (*Mr. Bain opposed*), and one not here (*Mr. McPherson absent*).

Mr. Bain: I picked yes.

Mr. Randall: Okay. It's immaterial to the point. Alright, and then I would like to make a motion that we accept... that we approve conditional use permit 19153010 with the following changes to the conditions. And I don't have them written down and...

Mr. Apicella: I do so.

Mr. Randall: Okay, please.

Mr. Apicella: So, we modified condition number 4 to read as follows: Maintenance is permitted and defined as general upkeep... upkeep of the fleet vehicles and is limited to changing the windshield wipers... windshield wipers, adding air to the tires, changing light bulbs, cleaning windows, or vacuuming auto interior. No mechanical maintenance or auto repair will be allowed onsite. All allowable maintenance activities shall be located behind the building in the location shown on the Site Layout Plan dated December 3, 2019, as revised February 12, 2020. Additionally, no exterior storage of maintenance materials or equipment shall be permitted. On number 5, it changes as follows: A maximum of 15 parking spaces for fleet parking of rental vehicles shall be permitted as designated in the location shown on the Site Layout Plan dated December 3, 2019, as revised February 12, 2020. The parking spaces designated for rental vehicle parking shall be identified with signage and/or painting of the spaces. Parking for fleet vehicles shall be prohibited in any parking areas not designated specifically for fleet parking.

Mr. Randall: Thank you.

Mr. English: Is that his motion? Is that your motion?

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Mr. Randall: Yes.

Mr. English: I'll second it.

Mr. Apicella: Okay, so there's a motion to approve the CUP with the modified revisions as identified this evening, seconded by Mr. English. Any further comment, Mr. Randall?

Mr. Randall: I just have one quick comment for the applicant. We really appreciate you working with us on this. We all want to make this work. I know that this is something good for you, it's good for the citizens of Stafford as well. And so I really appreciate your ability to work with us.

Mr. DiBenedetto: Thank you.

Mr. Apicella: Mr. English?

Mr. English: No comment.

Mr. Apicella: Anyone else? Okay, motion on the floor. Cast your vote. Okay, motion carries with 6 voting for and 1 not here (*Mr. McPherson absent*). Thank you very much. Congratulations.

Mr. DiBenedetto: Thank you.

Mr. Apicella: Next item, Mr. Harvey.

Mr. Harvey: Thank you, Mr. Chairman. The next item is Unfinished Business. It's discussing authorizing a public hearing to amend the Subdivision and Zoning Ordinance with regard to the establishment of time limits. Please recognize LeAnn Ennis for the presentation.

UNFINISHED BUSINESS

2. Amendment to the Subdivision and Zoning Ordinances - Proposed Ordinance O20-13, formerly O19-53, would amend and reordain Stafford County Code, Sec. 22-5, "Family and minor subdivisions;" Sec. 22-26, "Mutual responsibility;" Sec. 22-60, "Staff review;" Sec. 22-78, "Review and approval;" Sec. 22-89.1, "Revisions to approved plats;" Sec. 28-162, "Review and requirements;" Sec. 28-185, "Conditional use permits;" Sec. 28-204, "Review;" Sec. 28-251, "Review procedure;" Article XIV, "Site plans;" and Sec. 28-252, "Approval or disapproval generally" of the Subdivision and Zoning Ordinances regarding the establishment of time limits for development plans. **(Time Limit: March 26, 2020) (History: Deferred on January 29, 2020 to February 12, 2020)**
(Authorize for Public Hearing by: February 26, 2020)
(Potential Public Hearing Date: March 25, 2020)

Mr. Apicella: Ms. Ennis, good evening.

Ms. Ennis: Good evening, Mr. Chairman, members of the Planning Commission. Item number 2 is a refresher course on the time limit ordinance, which was deferred on January 21st where the Planning Commission deferred the proposed ordinance to incorporate some language changes applied to Section 22-26 by adding disapproved after approved or disapproved. And the current draft of the ordinance does not allow for an extension of 108 months' time period to seek approval of an application. So, if

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the Planning Commission is inclined to allow applicants to request an extension of the 18 month time limit, staff would recommend that the Planning Commission assign a fixed timeline for the completion with no further extensions.

Mr. Apicella: Thank you. Any questions for Ms. Ennis? I do have some questions.

Ms. Barnes: I have some questions, too.

Mr. Apicella: Okay, Ms. Barnes, go ahead, please.

Ms. Barnes: Unless I'm reading this incorrectly, this basically says that what you're proposing... *inaudible*... summarizing is that this is simply a time limit change to 18 months for applications, etcetera, etcetera. There's a lot of other stuff in here of deleting... I mean, there's pages and pages and pages of this ordinance that's being deleted. There's all kinds of different time limits. It seems to me that it's much, much more than just extend... closing off a deadline of 18 months.

Ms. Ennis: There's... I'm not sure where you're talking about because we talk about the time limit of 12... of the extension of 18 months and then where... we have a policy already in place and we're putting the policy in the ordinance. So, there's... there was an adoption of the policy of 12 months and 18 months extension, and that's in CUPs and rezonings. That's the only applications that they're permitted in. It's not permitted in any other application types, the other 30 that we have. So, and it's state mandated; *inaudible*... to make it by the state.

Mr. Harvey: Mr. Chairman and Commissioner Barnes, there is a lot of text being deleted with this amendment and it's an attempt to streamline the process. Our code right now is fairly extensive as far as an applicant requesting a time extension to their application within a certain time period. They have to refile or request another extension. And it's quite voluminous as far as the process. And we're attempting to streamline the process. That's mainly why you see a lot of text being deleted.

Ms. Barnes: Okay.

Mr. Harvey: So, we're changing the nature of our deadlines for completing a project to be a single standard for all projects will be 18 months.

Ms. Ennis: See, right now, we don't have... there's several applications that don't have... that we're not able to close out at all.

Ms. Barnes: Okay. And one of the things that I made a note of and I wasn't sure why this was in here and why it was changed is the approval of a construction plan expires 365 days and you've changed that to 5 years.

Ms. Ennis: That was to... it was an error in it was to match the state code. It's always been 5 years and it was just a typo.

Ms. Barnes: Okay, that makes sense then.

Ms. Ennis: Thank you.

Ms. Barnes: Thank you.

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Mr. Apicella: Mr. Randall?

Mr. Randall: A quick question. So, with all of these changes to boil this down, does an applicant have an opportunity to ask for an extension in any way, shape, or form past the 18 months?

Ms. Ennis: Only on CUPs and rezonings.

Mr. Randall: Only on CUPs and rezonings. What are those limited to?

Ms. Ennis: Eighteen months and then you can ask... it's an 18 month and then you can ask for an extension for 12 months.

Mr. Randall: Okay. Is that a one time only extension or is it a extension after extension after extension for those?

Ms. Ennis: It's a case by case.

Mr. Randall: Case by case?

Ms. Ennis: And again, it's only on rezonings and CUPs.

Mr. Randall: Right. So, making these changes streamlines your process how much? Fifty percent? A hundred percent? Ninety percent?

Ms. Ennis: A hundred percent.

Mr. Randall: Okay. Alright, thank you.

Mr. Apicella: Other questions? Okay, I have a question. I think I raised it last time and I'm gonna raise it again just for closing the loop on it. So, this happens under conditional zoning, under CUPs, and under the amendments. Under G, using the example Section 28-162, Attachment 1, page 9 of 14, where it speaks to an application going beyond the 12 months with the written consent of the applicant. So, the 12 months is the total timeframe. It doesn't really speak to the Planning Commission's piece of this. If we were to go past our hundred days, can the applicant grant us additional time past the hundred days?

Ms. Ennis: That was my understanding, but I'm going to defer that to Mr. Harvey to directly answer that one.

Ms. Lucian: Mr. Chairman, I did look into this. That 100 day deadline is held by the Board. So, the applicant would not be able to waive it.

Mr. Apicella: Okay, and that's true for all three of those times where it comes up.

Ms. Lucian: Correct.

Mr. Apicella: Okay. My other question... So that's something we could address with the Board at some point in time?

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Ms. Lucian: With the Board, yes.

Mr. Apicella: My other question was about... it's not in here, it has to do with the BZA's authority to repeal special exceptions. I believe the BZA, at least the Board would want the BZA to have the authority to repeal special exceptions. It's not clear from the current code that that's the case. The relevant code sections are 28-351 through 28-353. Are we able to clarify that here? Or is that something we would have to do through a separate process?

Ms. Lucian: Mr. Chairman, on that, because the sending resolution was limited to the code sections that were listed, I would say that is outside the scope. So, it would need to be done in a separate process.

Mr. Apicella: Does anybody object to asking the Board to consider clarifying that the BZA has authority to repeal special exceptions?

Mr. Randall: Do they not have special authority now?

Mr. Apicella: I believe they do. I'm on the BZA; it hasn't come up, but it's not clear from this... from our code that that is the case. So, if someone were to not comply, just like with a CUP, if someone doesn't comply with the conditions, then that CUP can be declared null and void. But the BZA would normally have that authority if the special exception conditions weren't followed. But it doesn't... our county ordinance doesn't specifically say that and I think it does. It should say that. So, we need to ask the Board for permission to consider it as something that we would take up at a future date.

Mr. Randall: I don't disagree. I just see those as two separate actions. I see one, we take care of this and then we can, in good faith, then ask to see if we could talk to the Board about having that come back to us. But I wouldn't hold this up.

Mr. Apicella: I'm not suggesting we hold it up. I'm just saying, by consensus, if we agree that that's something we should ask for then to consider, we can do that. I don't even know we need to take a motion. But, do we need to take a motion or is that something we could just...?

Ms. Lucian: I don't think you have to make a formal motion.

Mr. Apicella: Okay. So, what I'm seeing is, those of us are here, the 6 of us agree that that's something we would want the board to consider. Okay, so back to the original item, amendments to the zoning ordinance regarding establishing a time limit for planning applications. Is there any further discussion? Any questions for staff? How would folks like to dispose of this one?

Mr. English: I'll make a motion that we go ahead and send it to public hearing.

Mr. Randall: I'll second that motion.

Mr. English: That's right, right?

Mr. Apicella: Okay, yep. Okay, you made the motion, Mr. English? Did you second it, Mr. Randall?

Mr. Randall: I did.

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Mr. Apicella: So, there's a motion to move this forward to public hearing. Any further comments, Mr. Randall? I'm sorry, Mr. English? Mr. Randall?

Mr. English: It's gonna be a for March 25th, is that what we're looking at for the public hearing? Or is it to be before that?

Mr. Harvey: Commissioner English, I believe we have time to get it to the first meeting in March, which would be the 11th.

Ms. Ennis: I won't be here that week, that day.

Mr. English: Okay, so the 25th then? Will that work for you? Okay.

Mr. Harvey: We certainly can do that as well.

Mr. English: Yeah, well then we'll do the 25th... but LeAnn won't be there.

Mr. Randall: I understand that. With the timeline being the 26th, does that push us too much against... right against the stops?

Mr. Harvey: Mr. Chairman, we were looking at potentially canceling the meeting on the 26th.

Mr. Apicella: I thought the next meeting of this Commission. So this month we would cancel, right?

Mr. Harvey: Correct, yes.

Mr. Apicella: Right. So, we're talking about the meeting in March.

Mr. Randall: Okay, March 21st?

Mr. Apicella: That would be the first meeting in March where this would first appear, potentially giving the public notice requirements. That's the earliest this would come up. So, the question is whether it would come up on March 11th when LeAnn is not going to be here, or March 25th. So...

Mr. Harvey: Mr. Chairman, we can accommodate either one. Certainly, we can have someone pinch hit for LeAnn if we need to.

Mr. Randall: My only... and I won't be here on the 25th. That means nothing to the process other than with the deadline being the 26th and us not necessarily knowing what's going to happen on the 25th, I'm a big believer of the earlier the better. So, if we can take care of this on the 11th, I would submit that that probably would be better for us. That would give us a couple of... that wouldn't put us right up against the stops for the 26th deadline. That's just my opinion.

Mr. Apicella: Are you okay with that, Mr. English?

Mr. English: That's fine. I'd rather see LeAnn here, but that's fine. I'm okay with that.

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Mr. Apicella: Okay. So, the motion is to move this to a public hearing with our first consideration being at the March 11 meeting. Any further comments? Alright, please cast your vote. Motion carries 6 with 1 absent (*Mr. McPherson absent*). Next item?

3. RC19152631; Reclassification - Retail at Garrisonville - A proposed reclassification, with proffers, from the R-1, Suburban Residential Zoning District to the B-2, Urban Commercial Zoning District, to allow for the development of a commercial business with a drive-through on Tax Map Parcel No. 20-35A (Property). The Property consists of 0.82 acres and is located on the north side of Garrisonville Road, approximately 230 feet east of Kingsland Drive, within the Griffis-Widewater Election District. **(Time Limit: _____) (History: December 11, 2019 Public Hearing Continued to January 29, 2020) (Deferred on January 29, 2020 to March 11, 2020)**

4. CUP19152632; Conditional Use Permit - Retail at Garrisonville - A request for a conditional use permit (CUP) to allow one single-lane drive-through facility in the B-2, Urban Commercial Zoning District and HC, Highway Corridor Overlay Zoning District, on Tax Map Parcel No. 20-35A (Property). The property consists of 0.82 acres and is located on the north side of Garrisonville Road, approximately 230 feet east of Kingsland Drive, within the Griffis-Widewater Election District. **(Time Limit: _____) (History: December 11, 2019 Public Hearing Continued to January 29, 2020) (Deferred on January 29, 2020 to March 11, 2020)**

Mr. Harvey: Mr. Chairman, items 3 and 4 on your agenda are waiting for traffic studies for them to be a complete application. Once the application has been deemed complete, we'll reschedule that for a Planning Commission meeting. We tentatively have it listed as coming back March 11th, but that remains to be seen. The traffic study is currently being reviewed by VDOT. With regard to the side lot lines, that'll come in the committee report later in the meeting. And then the next item is a Waiver for a PAE and I'll recognize Natalie Doolittle for the presentation.

5. Amendment to the Subdivision and Zoning Ordinances - Proposed Ordinance O20-07, formerly O19-41, would amend the Subdivision Ordinance, Stafford County Code Sec. 22-4, "Definitions;" Sec. 22-143, "Shape and elongations;" and Sec. 22-146, "Side lot lines;" and the Zoning Ordinance, Stafford County Code Sec. 28-25, "Definitions of specific terms," to amend definitions and requirements relating to lot lines and lot shape configuration. **(Time Limit: April 30, 2020) (History: Deferred on January 8, 2020 to January 29, 2020) (In Subcommittee)**

NEW BUSINESS

6. WAI20153138; Powell PAE Waiver - A waiver request from Stafford County Code, Sec. 22-176, Private Access Easements, to serve one additional lot for a proposed subdivision on Tax Map Parcel No. 34-16C, zoned A-1, Agricultural Zoning District, on approximately 20.83 acres, located on the west side of Richards Ferry Road, approximately 10,000 feet south of Warrenton Road, within the Hartwood Election District. **(Time Limit: April 12, 2020)**

Mr. Apicella: Ms. Doolittle?

Ms. Doolittle: Good evening, Mr. Chairman and members of the Commission. I'm Natalie Doolittle; Planning and Zoning. I'm here to present item 6 on the agenda, a Waiver of the Subdivision

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Ordinance, Section 22-176, Private access easements, for an existing easement to serve one additional lot for a proposed subdivision on Tax Map Parcel Number 34-16C. Existing parcel 34-16C is 20.83 acres zoned A-1, Agricultural, within the Hartwood Election District. The parcel is located on the west side of Richards Ferry Road, south of Warrenton Road. And the parcel to be subdivided is shown here in red. The applicant is proposing a minor subdivision plat to create one additional lot on parcel 34-16C, as well as a boundary line adjustment with adjacent parcel 34-16B, but is waiting to submit the application for subdivisions pending approval of this waiver. Currently, two parcels are served by an existing 50-foot wide ingress-egress easement. Parcel 34-16C to be subdivided and parcel 34-16F which belongs to the applicant's mother. And here's an aerial showing existing conditions, and the parcels served by the existing easement are both outlined in blue. And the existing ingress-egress easement is indicated by the yellow dash lines. Here's a sketch showing the proposed subdivision and boundary line adjustment. Lot 3 would be the additional lot on the existing easement. Section 22-176, Private access easements, of the Subdivision Ordinance allows a private access easement to serve 2 or fewer properties. The applicant is requesting a waiver of this section to allow one additional parcel to be served by the existing ingress-egress easement. If the waiver request is approved, the applicant is planning to purchase 17 acres in the rear to construct a home. The applicant originally inquired about doing a family subdivision. However, the parcel is owned by an LLC created by the applicant's grandmother. It was determined an LLC does not fall under the definition of immediate family member as it is not an individual. In addition, the existing ingress-egress easement previously served three parcels, but a plat of consolidation was recorded in 2014 to combine two of the parcels into the current Tax Map Parcel Number 34-16C. The applicant formally requests that the Stafford County Planning Commission consider the waiver request from Section 22-176. Section 22-241 of the Subdivision Ordinance specifies that criteria must be met in order for a waiver to be granted by the Planning Commission. The applicant must prove that the application of the ordinance requirements would impose an unreasonable burden on the owner, and the waiver would not have any substantial adverse effect on future residents of the subdivision or adjoining property owners. Staff recommends the Planning Commission make findings relative to the criteria for granting waivers. And that concludes my presentation. Thank you.

Mr. Apicella: Thank you. Questions for staff? Mr. Bain?

Mr. Bain: Yes, Ms. Doolittle, what will be the acreages of the three lots then with this subdivision? Do you have that?

Ms. Doolittle: I believe... well, as shown on here, lot 2 is existing. And that wouldn't be part of the subdivision. It's just the... one of the parcels served by the existing easement. Lot 1 and lot 3 are what would come from the current parent parcel. I believe lot 1 would be about 3 acres and lot 3 would be the 17 acres.

Mr. Bain: Okay. Alright, thank you.

Ms. Barnes: Can I ask why... why the new property line? I'm not... I see that in there, but I'm not understanding why that's... why that's being moved.

Ms. Doolittle: With the boundary line adjustment portion?

Ms. Barnes: Yeah, that proposed new property lines there at the bottom. I can see that.

Ms. Doolittle: I may need to defer to the applicant on the reason.

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Ms. Barnes: Okay, thank you.

Mr. Apicella: Anyone else? So, just a question to put it out there. The private access easement waiver would only apply or allow Tax Map lot 34, Parcel 16C, to hook up to this private access easement. But it wouldn't necessarily let them further subdivide that lot into smaller lots.

Ms. Doolittle: Correct. It's just for the one additional lot.

Mr. Apicella: Okay. Thank you. Any other questions? Alright, thank you very much. Would the applicant like to come forward?

Mr. Powell: Good evening. My name is Daniel Powell, the applicant on the waiver. Would you like me to address your question about the boundary line adjustment?

Ms. Barnes: Sure, that'd be great; thank you.

Mr. Powell: Okay. So, the boundary line adjustment for 16B, is that the one you're referring to?

Ms. Barnes: Mm-hmm.

Mr. Powell: We wanted to give the neighbor opportunity to purchase some of that land because their existing drainfield is actually on our property. So, we just wanted to give them a little bit and they could have that on their own then.

Ms. Barnes: Thank you. Makes sense, thank you.

Mr. Powell: Okay.

Mr. Apicella: Mr. English? Do you have a question?

Mr. English: No, I didn't have one.

Mr. Randall: I have a quick question.

Mr. Apicella: Mr. Randall?

Mr. Randall: So, I don't know... I can't see what you're looking at on the computer. There you go. How far up do you expect that easement to go into your lot, lot C, 16C? I mean, I'm looking at it in blue, right? Is it going to end there? Or do you expect it to take it all the way up into your home?

Mr. Powell: You're talking about for... I'm sorry, which line exactly are you talking about?

Mr. Randall: The easement that we see right there.

Mr. Powell: Okay.

Mr. Randall: It's in the blue, correct?

Mr. Powell: Yes.

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Mr. Randall: Alright. Is that where it's going to end and you'll walk up to your house?

Mr. Powell: No. No.

Mr. Randall: How far up are you gonna take it?

Mr. Powell: It will go all the way back to where that... the circled location, where it says the home location...

Mr. Randall: Right. Can you give me some idea of where that's gonna be. Is it going to be around the boundary lines? Is it gonna be straight through the middle? Do you kind of have an idea...?

Mr. Powell: There is actually an existing road, old logging road there, and it's basically straight through the middle. It's about a thousand foot from where the existing driveway ends.

Mr. Randall: How wide is it now?

Mr. Powell: The proposed?

Mr. Randall: No, the one that's up there now.

Mr. Powell: The existing driveway?

Mr. Randall: Is it just a dirt road that's...

Mr. Powell: It's a gravel driveway; one lane.

Mr. Randall: Okay, alright. Okay, thank you.

Mr. Apicella: Any other questions? Mr. Bain?

Mr. Bain: I guess maybe following up with Mr. Randall. So, where the blue line on that drawing ends, will the driveway swing away from lot number 2 or will that 50-foot right-of-way continue up lot number 2's boundary line, so it'll be part on lot 2 and part on lot 3?

Mr. Powell: Yes, sir.

Mr. Bain: Okay, then should the drawing reflect that? Because...

Mr. Apicella: I'm just... I'm trying to understand. Maybe we all need to understand, what is a private access easement versus what is somebodies individual driveway, right? Because this is basically a road, right? This is like a... almost like in comparison to a regular... *inaudible, being talked over*.

Mr. Bain: It's wide enough for a road to be built.

Mr. Apicella: Right. But they would presumably have their driveway hooking off of this private access easement.

Mr. Bain: Right.

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Mr. Apicella: Which is their own...

Mr. Bain: Right, but the concern... the concern I have is, if you extend the blue line up through lot 2, you're basically committing lot 2 to give away use of that portion that's not blue right now. I'm not describing that very well, I'm sure.

Mr. Harvey: Yes, Mr. Chairman, what Mr. Bain is describing is correct. And then a private access easement is the easement to basically drive across someone else's property. So, that easement area would effectively limit someone's ability to use that portion of the property, other than for driving back and forth.

Mr. Apicella: Right, but I thought his next question was how should the line be further extended, which I don't think is the intent, right?

Mr. Harvey: And extending it would be the property owner's prerogative. But we're... the application is focused on, or the waiver is focus on a number of lots being served rather than the actual configuration or length of the easement.

Mr. Apicella: Okay, I appreciate the clarification. Any further questions? Any further comments you'd like to make?

Ms. Barnes: Well, I have one quick question.

Mr. Apicella: Ms. Barnes?

Ms. Barnes: Once again, since I don't know exactly how this works, is there a notification requirement for that lot number 3 that this is gonna be done? Or is this a family member?

Mr. English: It's family members.

Mr. Powell: My mother, and she's presently with us.

Ms. Barnes: Good enough, thank you.

Mr. Apicella: She's waiving her head no. Kidding. Thank you very much.

Mr. Powell: Sure, thank you.

Mr. Apicella: I'll bring it back to the Commission for further consideration. Mr. English, this is in your district.

Mr. English: Yes, I would like to make a motion to approve WA120153138, the Powell Waiver.

Ms. Barnes: Second.

Mr. Apicella: Okay. A motion's been made; it's been seconded. Any further comments, Mr. English?

Mr. English: No. I read the reason of hardship and I talked with the family and I understand what they're trying to do so.

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Mr. Apicella: Okay. Ms. Barnes? Anyone else?

Mr. Randall: Is that a 1 or is that an I? WAI or WA1?

Mr. English: I'm sorry, is it WAI or WA1?

Mr. Randall: I think it's WAI, correct? Okay, alright, sorry.

Mr. Apicella: Any other comments? Okay, so there's a motion to approve the Waiver of Subdivision Ordinance, Private Access Easement, WAI20153138, Tax Map Parcel Number 34-16C.

Please cast your vote. Motion carries 6 with 1 absent (*Mr. McPherson absent*). Okay, looks like we finished most of our business; Planning Director's Report.

PLANNING DIRECTOR'S REPORT

Mr. Harvey: Thank you, Mr. Chairman. As I alluded to earlier in the meeting, looking at our schedule, it appears we do not have any business for the February 26 meeting. So I'd ask the Commission whether you want to entertain a motion to cancel that meeting.

Mr. Apicella: Is there a motion to keep the meeting? No, is there a motion to cancel the meeting?

Mr. Randall: So moved?

Mr. Apicella: Anyone else want to second that?

Mr. English: Second. I'll second it.

Mr. Apicella: Okay, motion to cancel has been seconded. I'm not gonna take any comments on that one. I'm kidding. Any comments? No? Okay, cast your vote. Motion carries 6 with one absent (*Mr. McPherson absent*) to cancel the next meeting. Yes, we'll make sure Phil gets a notice to show up at that meeting.

Mr. Harvey: Continuing on with my report, the Commissioners will find it your desk a copy of the information that was provided to the Board of Supervisors at their annual planning retreat that happened last Friday. In particular, there's information with regard to the Healthy Growth Initiative, as well as Downtown Stafford. With regard to the Healthy Growth Initiative, the Board has asked staff to prepare an ordinance for consideration to change the density in the A-1 Zoning District. The proposal would be to change the density from the current 3-acre lots to one dwelling per 10 acres. Staff will be working towards creating a timeline for the Board of Supervisors on how that could get accomplished. The Board also indicated a desire to potentially have a joint public hearing. So, staff will keep the Planning Commission apprised of the progress towards the timeline and if a joint hearing is requested. With regard to downtown Stafford, that involves a number of initiatives that will entail a Comprehensive Plan amendment, a zoning text amendment for a UD zone, as well as a rezoning of county-owned property and possibly some property adjacent to the county's property. This is an effort that's been ongoing for a few years. As you may recall, our Comprehensive Plan has a Small Area Plan for the Courthouse Area. Currently, it shows the property on the south side of Courthouse Road for government use. Our current plans are to build the courthouse on the north end of this parking lot rather than on that property. So, that's the nature of some of the Comprehensive Plan changes that you'll be seeing. We'll be working with the Board to present those later this spring and then have

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referrals to the Commission for public hearings on those matters. And I'll keep you apprised as we move forward. But please look through both presentations. If you have any questions, please contact me and I'll be glad to answer any questions.

Mr. Apicella: Thank you, Mr. Harvey. Any questions?

Mr. Harvey: And that concludes my report.

Mr. Apicella: County Attorney's Report.

COUNTY ATTORNEY'S REPORT

Ms. Lucian: Good evening, Planning Commission. The only report I have is a thank you for canceling that February meeting because I won't be here, and you're saving my colleague from having sit it.

Mr. Apicella: I think we need to revisit that vote.

Ms. Lucian: It's too late now.

Mr. Apicella: Thank you. Committee Reports; Lot Shape Ordinance Subcommittee. Any comments, Mr. Bain or Ms. Barnes?

COMMITTEE REPORTS

7. Lot Shape Ordinance Subcommittee
Meeting Summary for February 6
Next Meeting: February 20 @ 9:00 a.m., in the Planning & Zoning Conference Room

Mr. Bain: Yes, Mr. Chairman. We had a good meeting last week. You received the summary of that meeting and we've got a second meeting scheduled for next week. And I think we're making some good progress. I think at the next Commission meeting we might be able to make a recommendation regarding this. If not, then we would have to ask for perhaps a extension of time. But I'm hopeful that we'll be able to meet... make the recommendation at the next meeting.

Mr. Apicella: Thank you, Mr. Bain.

Mr. Bain: Which would be in March now.

CHAIRMAN'S REPORT

Mr. Apicella: Okay. Chairman's Report; I have nothing to report. Other Business; I assume everybody's got their TRC information for the February 26 TRC. Approval of minutes. Is there a motion to approve the January 8 minutes?

OTHER BUSINESS

8. TRC Information - February 26, 2020
 - * Abigail Est - Aquia Election District
 - * Potomac Church Farms - Aquia Election District

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- * Hampton Run Commercial - Garrisonville Election District
- * Noor Auto Repair - George Washington Election District

APPROVAL OF MINUTES

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Mr. Bain: I move to approve the minutes.

Mr. Apicella: Thank you, Mr. Bain.

Ms. Barnes: Second.

Mr. Apicella: Okay. All those in favor... I'm sorry... please cast your vote. Okay, motion carries 6 with 1 absent (*Mr. McPherson absent*). With no further business, this meeting is adjourned.

ADJOURNMENT

With no further business to discuss, the meeting was adjourned at 8:01 p.m.